

REMARKS

The Office Action of November 3, 2006 has been reviewed and the comments therein were carefully considered. Claims 1-46 are currently pending. Claims 1-46 stand rejected. No new matter has been introduced into the application.

Objections to Amendments to the Specification

The Examiner objected to the revised Figures and the amended specification, which was previously submitted, for allegedly adding new matter to the application. Applicants respectfully disagree that these amendments added new matter. In particular, support for these amendments is at least found in the specification as filed, starting on page 7, line 12, which states "Alternatively, the TCP/IP stack 11 can be replaced by a dual TCP/IP stack" and goes on to provide additional details regarding an embodiment of a dual stack configuration:

control messages. Alternatively, the TCP/IP stack 11 can be replaced by a dual TCP/IP stack. The dual TCP/IP stack comprises a first TCP/IP stack that provides support for a broad range of TCP/IP messages (related to the HTTP task 40 and the FTP task 41). A second TCP/IP stack, a "smart stack," manages the high priority Modbus control messages (related to the control task 42). For outgoing TCP/IP messages, the appropriate TCP/IP stack is chosen by the calling HTTP, FTP or control tasks. For incoming TCP/IP messages, the TCP/IP message is intercepted and examined to determine its type. If the incoming message is a Modbus control message, the message is then delivered to the "smart stack." If the incoming message is not a Modbus control message, the first TCP/IP stack handles the message. In this manner, Modbus TCP/IP control messages are managed more quickly and efficiently than a non-Modbus control message managed by the single TCP/IP stack.

Specification as filed, pg. 7, ln. 12-22. Thus, the previous amendments to the drawing and the abstract and the summary merely provide further clarity. Furthermore, the amendment to the drawings (to illustrate the dual TCP/IP stacks) is helpful to show all the features of the claim in the Figures, as required by 37 C.F.R. 1.83(a). Plainly, however, in view of the support provided in the specification as filed, this minor change in the drawings adds no matter. In summary, in view of the support provided in the specification as filed, Applicants respectfully submit that no new matter was added by the prior amendments and withdrawal of this ground of objection is respectfully requested.

Amendments to the Drawings

The Examiner objected to the drawings as being of insufficient quality to permit examination. In response, as noted above, replacement sheets with Figures 1, 3 and 5 are submitted with this paper. The Figures are amended to clarify and to show details discussed in the specification but not shown in the Figures. Thus these amendments to the drawings add no new matter.

The Examiner requested that the Figures 2 and 4 be amended to delete the reference to the dual TCP/IP stacks. As noted above, however, the previously submitted amendments add no new matter; therefore entry of these previously submitted replacement sheets is respectfully requested.

Amendments to the Claims

Claims 1, 9, 22 and 30 are amended. Claims 9 and 30 are amended to recite a feature related to the dual protocol stack, which was previously recited in claims 1 and 22 and which at least finds support in the specification as filed, pg. 7, ln. 12-22. Claims 1, 9, 22 and 30 are also amended to recite a feature similar to the feature “each message is selectively assigned to one of the first and second protocol stacks” recited in claims 1. Support for this feature is also at least found in the specification as filed, pg. 7, ln. 12-22. Accordingly, no new matter is added by these amendments.

Claim Rejections Under 35 U.S.C. §103

Claims 1-46 are rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 6,266,713 to Karanam, *et al.* ("Karanam") in view of U.S. Patent No. 6,317,789 to Rakavy *et al.* ("Rakavy"). Claims 1, 9, 22, and 30 are independent.

Each of claims 1, 9, 22, and 30 now recite the feature of a dual protocol stack. For example, claim 22 recites the feature of a “first and second protocol stacks for enabling transfer of a message between the remote location and the electrical network control system, wherein, in operation, the message is selectively assigned to one of the first and second protocol stacks according to a type of the message.” Thus, to support a *prima facie* case of obviousness, the Examiner must show this feature in the cited references. The Examiner states that Karanam discloses dual protocol stacks, citing to Figure 2 and Col. 4, Ln. 14-59. However, Figure 2 of Karanam merely shows an Ethernet Gateway 60 coupling an Ethernet

based network a Modbus-based network and does not show a dual protocol stack. Nor is there any support for the suggestion that a dual protocol stack is implicit or inherent in an Ethernet gateway. Applicants have also reviewed Col. 4, Ln. 14-59 of Karanam and these portions of Karanam make no mention of a dual protocol stack. Indeed, it appears from a review of Karanam that Karanam does not mention a stack at all anywhere in the reference, let alone the features as recited in claim 22. It does not appear that the Examiner has suggested that Rakavy can correct this “first and second protocol stack...” deficiency in Karanam, nor does Rakavy appear so capable. For example, Applicants have reviewed Figure 4 and Col. 7, Ln. 52 (which references Figure 4) of Rakavy and these portions of Rakavy make no mention of a dual protocol stack, let alone the first and second protocol stack as recited in claim 22. Therefore, for at least this reason, the references of record fail to disclose at least one feature of pending independent claims 1, 9, 22, and 30. Accordingly, the references of record fail to support a *prima facie* case of obviousness with respect to claims 1, 9, 22, and 30 for at least the above reason.

In addition, claim 22 has been amended to recite that in operation a “message is selectively assigned to one of the first and second protocol stacks according to a type of the message.” Applicants respectfully submit that Karanam simply does not contemplate selectively assigning messages to one of the first and second protocol stacks according to a type of the message. As Rakavy does not appear to be able to correct this deficiency in Karanam, the references of record fail to disclose, suggest or teach an additional feature of claim 22. Therefore, for this additional reason the references of record fail to support a *prima facie* case of obviousness with respect to claim 22. Independent claims 1, 9 and 30 also recite a feature similar to the above feature recited in claim 22; therefore claims 1, 9, 22, and 30 are patentable over the references of record for at least this additional reason.

Dependent claims 2-8, 10-21, 23-29 and 31-46 depend from claims 1, 9, 22 or 30. Therefore, these dependent claims are not obvious for at least the reasons discussed above with respect to the independent claims 1, 9, 22 and 30 and for the additional limitations recited therein.

Accordingly, withdrawal of this ground of rejection is respectfully requested.

CONCLUSION

As all objections and rejections have been addressed, Applicants respectfully request reconsideration of the pending claims and a finding of their allowability. A notice to this effect is respectfully requested. Please feel free to contact the undersigned should any questions arise with respect to this case that may be addressed by telephone.

Date: April 3, 2007

By: /Stephen L. Sheldon/
Stephen Sheldon
Registration No. 58,732

BANNER & WITCOFF, LTD.
10 South Wacker Drive
Suite 3000
Chicago, Illinois 60606
Telephone: 312-463-5000
Fax: 312-463-5001